

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

RICHARD WAYNE SMITH

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CASE NUMBER 4:22-CR-00191

**CONSENT TO ADMINISTRATION OF GUILTY PLEA AND
FED. R. CRIM. P. 11 ALLOCUTION
BY UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge has informed me of my right to have my plea taken by the District Judge, and after discussing the matter with my counsel, I hereby voluntarily agree and consent to have United States Magistrate Judge Christine A. Nowak hear the guilty plea and make findings as to whether the plea was knowingly and voluntarily entered, and recommend to the District Court whether the plea should be accepted. I understand that my guilty plea is subject to approval and final acceptance by a United States District Judge and that sentencing will be conducted by a United States District Judge.

In addition, I understand that I have the right to give my plea before the sentencing judge or the magistrate judge and have elected to so proceed before the magistrate judge.

I know that my testimony must be truthful and is under the penalty of perjury.

I understand my trial rights, including the right to maintain my plea of not guilty, the right to remain silent, the right to call witnesses, the right to present evidence in my behalf, the right to have a jury trial, the right to counsel or Court-appointed counsel if I cannot afford a lawyer

who would represent me at trial, the right to cross-examine witnesses who testify against me, and the right not to be forced to testify if I choose not to testify.

I understand by pleading guilty that I am giving up these rights, except the right of counsel. By pleading guilty, I am also giving up certain rights guaranteed to citizens of the United States of America. I may also have to forfeit any federal benefits I am now receiving. I understand that, if I am not a citizen of the United States of America, giving this plea of guilty may affect my immigration status and may lead to deportation.

By pleading guilty, I am giving up the right to challenge any search or seizure which may have involved my person or my property.

I am also aware that the Court will consult the Sentencing Guidelines in assessing my sentence. However, I am also aware that the Court is not bound by these guidelines and that my sentence may be greater or less than the recommended guideline range.

I am also aware that even though I may have received an estimate as to my possible range of punishment, it is only an *estimate*. There may be other factors, such as prior criminal history, my role or participation in the crime, the quantity of contraband attributed to me, or the use of weapons that could increase my sentence.

I am also aware that the Court is not bound by any agreements between the government and me.

I am making this plea of my own free will. I have not been forced to plead guilty, nor have any promises been made to me other than what may be in my plea agreement if I have so entered into a plea agreement with the government.

I am entering this plea of guilty because I am guilty, and I fully understand the charges against me, including the statutory minimum and maximum penalties, as well as terms related to

supervised release, special assessment(s) and restitution.

I also understand that if the government is moving for any forfeiture, I have been fully informed of the nature of the property to which I am surrendering my right, title, and interest.

I understand my appeal rights and that such rights may be limited by any plea agreement, which might be limited by a waiver provision, which I fully understand. I also understand that under no circumstances may I appeal my sentence or attempt to withdraw my plea of guilty if my sentence or recommended sentence is greater than what I originally believed or was informed by my counsel.

I understand that only the United States District Judge will determine my sentence.

If I have entered into a plea agreement, I fully understand the agreement and have no reservation or questions surrounding the agreement. I represent that I am not under the influence of any substances or medication that might cloud my judgment and that I am fully competent to enter a plea before the Court. I understand that before I plead, if I have any questions concerning these proceedings, I can freely consult with my lawyer.

I represent that I am satisfied with the representation provided me.

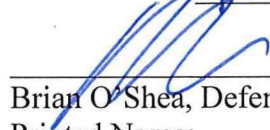
I have also signed a Factual Statement and represent that such is true and correct. I have reviewed it and there are no material errors in what I have represented to the Court.

I make these statements above and attest herein under the penalty of perjury.

Date: May 26, 2023




RICHARD WAYNE SMITH, Defendant
Printed Name: Richard Smith



Brian O'Shea, Defendant's Attorney
Printed Name: Brian O'Shea



CHRISTINE A. NOWAK
UNITED STATES MAGISTRATE JUDGE



Assistant United States Attorney

Printed Name: _____

Sean Taylor